

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Council
18 May 2022

Report Title: Confirmation of the Constitution

Submitted by: Chief Executive

Portfolios: One Council, People and Partnerships

Ward(s) affected: ALL

Purpose of the Report

To ask council to adopt the constitution.

Recommendation

That Council

- (1) adopts the Constitution; and,**
- (2) delegates to the Monitoring Officer, in consultation with the Portfolio Holder, authority to amend the constitution as necessary following annual council to attend to matters of layout, formatting, typographical errors and clarity in advance of publication.**

Reasons

To ensure the council has an up to date constitution that is fit for purpose.

1. **Background**

- 1.1 Council, on 5 May 2018, identified a need to undertake a comprehensive review of the constitution. This work commenced but then slowed due to the impact of the Covid 19 pandemic. At Council, on 17 November 2021, a resolution was passed to reconvene the Constitution and Member Support Working Group on a revised basis to oversee the completion of the review.
- 1.2 The new constitution has been designed to be clear, modern, accessible and user friendly. This has been achieved by using a plain English drafting style, but also by grouping provisions that relate to the Council and its Committees, Cabinet, Scrutiny and Officers into discreet parts, each part dedicated to one of those "arms" of the council.
- 1.3 In addition, the Constitution has been designed to be resilient so that any necessary future changes or updates will be minimal and easy to implement. This has been achieved predominantly by moving away from long, detailed lists of functions or responsibilities. Instead, a more descriptive or generic approach is taken. In addition, materials that do not need to be in the constitution have been removed and are signposted to instead.
- 1.4 The Working Group has met on several occasions since 2018 and has undertaken a thorough review of the draft document which is now submitted for approval. Notwithstanding,

it should be recognised that the Constitution is a “living document” and as such will need to change and adapt to reflect changes in the way the council works. The new constitution (like the current one) provides a power to the monitoring officer to make such changes. In addition, a specific delegation is sought in this report to the Monitoring Officer to resolve any editorial issues that are identified following annual council and prior to first publication of the new constitution. For instance, there is still a significant amount of formatting needed to the materials in Part F, which is currently underway but which officers were not able to complete before annual Council.

1.5 Any future substantive changes to the constitution will be taken to Council in the usual way, and this likely to include some areas that were identified during the review where improvements can be made, but where further discussion is required.

2. **Issues**

2.1 As set out above.

3. **Proposal**

3.1 That council adopts the updated constitution with effect from 18 May 2022, with delegated authority for the Monitoring Officer to make editorial amendments as set out above.

4. **Reasons for Proposed Solution**

4.1 To ensure the council has an up to date constitution.

5. **Options Considered**

5.1 To keep the current constitution, but make incremental changes to improve clarity and update it. This option would mean the council would have a document that was less user friendly and not entirely fit for purpose. The existing constitution is, in parts, unclear and out of date. It would also not realise the benefits of having a constitution in the new format suggested, which adopts a plain English drafting style and which is more resilient to future change.

6. **Legal and Statutory Implications**

6.1 Councils are required to have a constitution which sets out things such as its delegations to committees, cabinet functions, council functions and rules of debate. There is no prescribed format.

7. **Equality Impact Assessment**

7.1 An updated, accessible and user-friendly constitution would encourage better citizen understanding of and engagement in democratic functions, better serving those less able to navigate its current format and content.

8. **Financial and Resource Implications**

8.1 None directly arising, although a clearer, more user-friendly constitution will result in efficiency improvements across council functions.

9. Major Risks

9.1 One risk is that the constitution does not contain everything required by law. This has been addressed by a careful review of its content. A far greater risk is that a constitution contains too much material and/or is unclear or contradictory. This can lead to a lack of engagement with it or understanding of what it requires, in terms of decision making, which in-turn creates a greater risk of governance failures and inefficiencies.

10. UN Sustainable Development Goals (UNSDG)

10.1 As an enabling document which facilitates the efficient delivery of all council functions, a resilient, user-friendly and up to date constitution indirectly supports the attainment of all UNSDGs



11. Key Decision Information

11.1 This is not a key decision.

12. Earlier Cabinet/Committee Resolutions

12.1 There have been various Council decisions to adopt incremental changes to the constitution all of which are available via modern.gov from the Council's website. There have been various committee meetings where these changes have been discussed which are also available from the modern.gov system.

13. List of Appendices

13.1 [Draft Constitution](#)

14. Background Papers

14.1 Reports and minutes of meetings referred to.

